E-filed 5/25/06 1 LEWIS BRISBOIS BISGAARD & SMITH LLP DANIEL C. DECARLO, SB# 160307 2 221 North Figueroa Street, Suite 1200 3 Los Angeles, California 90012 Telephone: (213) 250-1800 4 Facsimile: (213) 250-7900 5 Email: decarlo@lbbslaw.com 6 LEWIS BRISBOIS BISGAARD & SMITH LLP 7 JONATHAN PINK, SB # 179685 8 650 Town Center Drive, Suite 1400 Costa Mesa, California 92626 9 Telephone: (714) 668-5589 10 Attorneys for Defendants & Related Counter-Claimants, EVERGREEN DATA 11 SYSTEMS, INC., BRUCE R. MCALLISTER and STEVEN J. DEMARTINI 12 **13** UNITED STATES DISTRICT COURT 14 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION 15 16 SYNAPSIS, LLC, a Nevada Limited CASE NO. CV05-01524 JF 17 Liability Company, STIPULATION AND 18 Plaintiff. PROPOSED ORDER CONTINUING DATE OF 19 MEDIATION v. 20 EVERGREEN DATA SYSTEMS, INC., a California Corporation, BRUCE R. Action filed: January 10, 2005 21 MCALLISTER, an individual, STEVEN J. DEMARTINI, an individual, IRELAND 22 SAN FILIPPO, LLP, a California limited liability partnership, and DOES 1 through 23 10, inclusive, 24 Defendants. 25 26 AND RELATED COUNTER-CLAIM 27 28 4841-3121-1009.1

LEWIS BRISBOIS ISGAARD & SMITH LLP Suite 1400 650 Town Center Drive Costa Mesa, CA 92626 (714) 545-9200

PLAINTIFF SYNAPSIS, LLC, ("Synapsis") and defendants IRELAND SAN
FILIPPO, LLP, ("ISF"), EVERGREEN DATA SYSTEMS, INC., ("Evergreen"),
STEVEN J. DEMARTINI, ("DeMartini"), and BRUCE R. MCALLISTER,
("McAllister") by and through their attorneys of record, hereby agree as follows:
WHEREAS, the Court in this matter has scheduled a further Case
Management Conference for July 7, 2006;
WHEREAS, the Court previously ordered the parties to conduct mediation in
this matter during the month of May, 2006;
WHEREAS, the parties reasonably believe that mediation in this matter will
be most productive following additional discovery;
Now therefore the parties stipulate that:
1. The Court ordered mediation in this matter shall be continued to a
mutually convenient date in July, 2006; and
2. The parties shall select a mediator and a date for mediation within
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1	four	teen days (14) follo	wing	the execution of this Stipulation.		
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3	DATED:	May <u>W</u> , 2006	İ	LEWIS BRISBOIS BISGAARD & SMITH LLP		
4		,	Ву			
5			Бу	Daniel C. DeCarlo Jonathan S. Pink		
6				Attorneys for Defendants EVERGREEN DATA SYSTEMS, INC., BRUCE R. MCALLISTER and STEVEN J.		
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11	DATED:	May <u>/ /</u> , 2006		STEIN & LUBIN LLP		
12	,		Ву	Mr. all Mit		
13			IJy	Manuel A Martinez		
14				Attorneys for Defendant IRELAND SAN FILIPPO, LLP		
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16 17	DATED:	May, 2006		LAW OFFICES OF JEFFREY F. SAX		
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19			Ву	Taffray F Cay		
20			•	Jeffrey F. Sax Attorneys for Plaintiff SYNAPSIS, LLC		
21	DATED:	May, 2006		LAW OFFICES OF H. JOSEPH NOURMAND		
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24			Ву	H. Joseph Nourmand Attorneys for Plaintiff SYNAPSIS, LLC		
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б				Jonathan S. Pink Attorneys for Defend	lants EVE	RGREEN	•
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6 7					Jonathan S. Pink Attorneys for Defendants EVERGREEN DATA SYSTEMS, INC., BRUCE R. MCALLISTER and STEVEN J.
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13	*		<i>\$</i>	Ву	Manuel A. Martinez
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Lewis Brisbois gaard & Smith lle After considering the parties' Stipulation, the Court rules as follows:

- The Court ordered mediation in this matter shall be continued to a 1. mutually convenient date in July, 2006; and
- The parties shall select a mediator and a date for mediation within 2. fourteen days (14) following the execution of this Stipulation.

IT IS SO ORDERED:

5/25/06 DATED:

Jeremy Fogel The Honorable United States District Court Judge

PROOF OF SERVICE

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Synapsis, LLC v. Evergreen Data Systems, Inc., et al. - File No. 26851.04 USDC - Northern District - San Jose Division

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STATE OF CALIFORNIA, COUNTY OF ORANGE

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Center Drive, Suite 1400, Costa Mesa, California 92626.

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28 LEWIS BRISBOIS

Bisgaard & Smith lle Suite 1400 650 Town Center Drive Costa Mesa, CA 92626 (714) 545-9200

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 650 Town

On May 22, 2006, I served the following document described as: STIPULATION AND PROPOSED ORDER CONTINUING DATE OF

MEDIATION on all interested parties in this action by placing [X] a true copy [the original thereof enclosed in sealed envelopes addressed as follows:

Jeffrey F. Sax, Esq.	H. Joseph Nourmand, Esq.
Law Offices of Jeffrey F. Sax	Law Offices of H. Joseph Nourmand
333 S. Hope Street, 36th Floor	660 South Figueroa Street, 24th Floor
Los Angeles, CA 90071	Los Angeles, CA 90017
213.217.5480	213.688.2888
213.217.5490 - Fax	213.688.2848- Fax
Attorneys for Plaintiff Synapsis, LLC	Attorneys for Plaintiff Synapsis, LLC

Manuel A. Martinez, Esq. Patricia L. Boneheyo, Esq. Stein & Lubin 600 Montgomery Street, 14th Floor San Francisco, CA 94111

415.981.0550 415.981.4343 - fax

Attorneys for Co-Defendant,

Ireland San Filippo

(BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

(BY MAIL, 1013a, 2015.5 C.C.P.) [X]

[X] I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 22, 2006, at Costa Mesa, California

4841-3121-1009.1